

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RAHEEM DUTTON, :
Petitioner :
: vs. CIVIL NO. 1:CV-11-0460
: :
UNITED STATES OF AMERICA, :
Respondent :
:

O R D E R

AND NOW, this 19th day of April, 2011, upon consideration of the Report and Recommendation of Magistrate Judge Carlson, and a review of the record, it is Ordered that the Report is approved. The Report notes that the petition is identical to a petition filed in this court by the Plaintiff on February 15, 2011 (1:11-CV-308). That petition was transferred to the District of New Jersey, the sentencing court, by this court's order on March 23, 2011.

We respectfully decline to follow Judge Carlson's recommendation that this case be transferred to the sentencing court. In the interest of conserving judicial resources for all concerned, this duplicate proceeding should be dismissed and the claims raised herein can be pursued in 1:11-CV-308, which is now before the sentencing court in New Jersey.

It is Ordered that this case is dismissed. The Clerk of Court shall close the file.

/s/William W. Caldwell
William W. Caldwell
United States District Judge